



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of September 15, 2016

Board Members Present:

Kalliope Egloff, Chair
Lucy Burton, Co-Chair
Brian Baumgaertel, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:00 PM.

APPOINTMENTS

7:15 PM – Food Code Violation – Ghelfi's Candies.

Glen Harrington stated that the summer sanitarian inspected Ghelfi's Candies on July 15, 2016, and discovered that no Certified Food Manager's certificate was posted. Review of the Board of Health file indicated that no CFM has been on record since 2008 (Anthony Ghelfi 2003-2008). The Allergen Awareness certificate was obtained on May 13, 2016, and provided to the Board of Health via email. The owner has registered for the ServSafe Certified Food Manager class to be held on October 19, 2016, in Woods Hole.

Scott Ghelfi, owner of Ghelfi's Candies, introduced himself to the Board.

Mr. Ghelfi remarked that his father was on record as the ServSafe Certified Food Manager. He was aware of the expiration of the certificate but never renewed. Mr. Ghelfi keeps the store clean, sanitizes, uses gloves, and has never had a violation.

Mr. Harrington commented that he would like the Board of Health to amend Mr. Ghelfi's retail permit to a food establishment permit. Mr. Harrington recommended that Mr. Ghelfi have his managers ServSafe certified as he works in both his Falmouth and Mashpee locations. In the past the Board of Health had issued a \$100 fine for each non-compliant year to another establishment. The health code states that fines can be issued up to \$100 per year.

Lucy Burton suggested setting a fine per year with a certain number of years waived so that the Board is not setting a lower precedent for future violations rather than a flat \$800 fine. The Board discussed the options of setting a fine for Scott Ghelfi.

Lucy Burton made a motion that the Board of Health fine Ghelfi's Candies \$100 a year for 8 years of non-compliance for not having a Certified Food Manager on site with all fees waived except for \$250 and that the Certified Food Manager's certificate is provided to the Health Department by the end of October 2016. The on-site manager must also be trained, and the retail establishment permit is to be converted to a food service establishment permit. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

7:20 PM – Variance Request from Board of Health Septic Inspection Regulation – 18 Tern Circle.

Patricia McGauley, representing 18 Tern Circle, introduced herself to the Board.

Glen Harrington commented that a septic inspection was performed on this property on May 26, 2016, for the purpose of a property transfer. The result of the inspection was a "conditional pass" due to a leaking septic tank and a corroding distribution box. The current owner is selling the property "as-is". A variance is required to sell the property because Mashpee's septic inspection regulation states that all repairs need to be completed prior to the sale.

Ms. McGauley stated that this is an estate situation as the owner of 18 Tern Circle passed away unexpectedly. The estate does not have sufficient funds to repair the septic system; however, there is a prospective buyer for this property. As part of the negotiations for the sale of the property, the buyer has agreed to assume the repairs post-closing. The closing date is scheduled for September 21, 2016.

Lucy Burton made a motion that the Board of Health grant the variance with the condition that an enforceable agreement is prepared and that the system upgrade is completed with the Certificate of Compliance issued 60 days from the date of closing. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

7:25 PM – Title V Septic Plan Approval – 17 Monomoscoy Road West.

Glen Harrington commented that the attorney for the applicant of 17 Monomoscoy Road West has requested a continuance to the October 6, 2016, Board of Health meeting or until Town Counsel renders an opinion.

7:30 PM – Appeal Fine Imposed by Board of Health – Title V Septic Violation – 23 Spoondrift Way.

Glen Harrington commented that the Board of Health fined the owners of 23 Spoondrift Way at the previous Board of Health meeting for eight alleged years of not having their Innovative/Alternative Septic System maintained. Mr. Bartolomeo explained to Mr. Harrington that Winston Steadman was contracted during the timeframe the fines were issued. Winston Steadman has been delinquent on inputting information into the Barnstable County Department of Health and Environment database. The owners were to provide evidence of said contracts. The owners currently have a contract with Mike Bisienere of Cape Septic Inspections. Mr. Bisienere inspected the system on July 28, 2016.

Michael Bartolomeo, owner of 23 Spoondrift Way, introduced himself to the Board. Mr. Bartolomeo commented that he lives in New Jersey and assumed that Mr. Steadman was inspecting the Innovative Alternative Septic System.

Brian Baumgaertel stated that he contacted Winston Steadman specifically for this property and was informed that he has not had a contract in a number of years. Mr. Steadman does not accept payment until services are rendered. The last contract of record was 2011 and expired in 2013. Barnstable County Department of Health and Environment has inspections and samples from 2003-2005 from Waste Water Treatment Services. At that point there is nothing recorded in the database system until 2016 when Cape Septic Inspections submitted information for 2016. During the timeframe between 2005 and 2009, Mr. Baumgaertel sent six certified letters to Mr. Bartolomeo with the certified mail green cards returned but no response from the owner.

The Board discussed the circumstances of the evidence presented. Contract information has been provided for three of the eight years; therefore, eliminating \$900 of the \$2,400 fine for a total of \$1,500.

Discussion on 23 Spoondrift Way was continued to the next Board of Health meeting scheduled on October 6, 2016.

7:35 PM – Housing Compliance Review of Condemnation and Hoarding Violations – 394 Cotuit Road.

Glen Harrington stated that at the August 4, 2016, Board of Health meeting Erika Woods conducted a presentation on hoarding and her involvement with the property located at 394 Cotuit Road. Ms. Woods would like to discuss the closing requirements to end the violations for this property.

Mr. Harrington noted some of the goals for 394 Cotuit Road: the width of the pathways, the use of the room, the use of the windows and ventilation, visits by other inspectional services, and the use of the clutter image

rating scale and goal. The goal is to eliminate health and safety hazards, to eliminate fire hazards, and to use living space as designed. In order to meet the goals listed, Mr. Harrington created certain actions to meet each objective.

1. Eliminate health and safety hazards:

Actions to mitigate #1: Provide fire and carbon monoxide detectors, access to all doors and windows, and to have clear stairs from living space to egresses. The level of cleanliness and sources of filth are from tell-tale signs of pests and odors. If there are no pests and odors, then there is no source of filth. The remaining items would be considered clean clutter.

2. Eliminate fire hazards:

Actions to mitigate #2: The Fire Department is to determine life safety issues, which may include access to the electrical panel and utilities such as the furnace and water heater. There should be a radius of no clutter around the utilities, and the path should be the width of a tote, which is used as guidance.

3. Use living space as designed:

Actions to mitigate #3: What level on the clutter image scale did the dwelling start at and where should the condition of the dwelling end up? In order for a bedroom to be used as a bedroom and a living room to be used as living space then a minimum of 3 on the clutter image rating scale should be the goal. With some organization along the way, the amount of clutter would still allow the proper use of each room. Access to electrical sockets is an everyday activity, and if the amount of clutter covers electrical sockets and wiring, then there are fire, health and safety issues that need to be addressed.

Erika Woods of the Cape Cod Hoarding Task Force, and Vickie McFarland-Richter, owner of 394 Cotuit Road, introduced themselves to the Board.

Ms. Woods commented that in this case there is a difference between the reasons for hoarding and why a situation such as this happens. Ms. Woods has not seen any new items brought into the home. Everything Ms. McFarland-Richter owns was acquired previously and has special meaning. However, even though it has been a slow process, Ms. McFarland-Richter has made progress. She now has smoke and carbon monoxide detectors; she cleans and sanitizes; and she is in the process of cleaning out the basement. Overall the home is kept clean and organized. The rooms and hallways are more accessible.

Ms. Woods is requesting that the Board close the order with the stipulation that Ms. McFarland-Richter will continue working to clean the house and move forward so there are no health and safety issues. Ms. Woods will continue to work with Ms. McFarland-Richter for another 6 months.

Kalliope Egloff requested that at the end of six months a progress report be given. Mr. Harrington suggested that a final inspection be performed when the electrical panel is accessible and then perhaps close the case.

NEW BUSINESS

1. **Sign Expense Warrants.** The Board members signed the expense warrants.

2. **Review/Approve BOH Public Session Minutes: September 1, 2016.**

Brian Baumgaertel made a motion that the Board of Health approve the Public Session minutes of September 1, 2016, as presented. Lucy Burton seconded the motion. The motion was unanimously approved.

3. **FY 2018 Budget.**

Glen Harrington remarked that he has not had an opportunity to complete the Fiscal Year 2018 Budget which is due at the end of September. Mr. Harrington will forward the completed budget to the Board of Health members.

4. **Sanitary Code Violation: Deer Crossing Condominium.**

Glen Harrington stated that on September 2, 2016, the Fire Department responded to a call at Deer Crossing Unit U-137. The Board of Health office was contacted, and the Health Department responded on September 6, 2016, after the Labor Day weekend. The Fire Department's concern was the amount of oxygen tanks at the dwelling for the occupant's use for COPD. The Assistant Health Agent went to the property and was allowed to enter by a certified nurse assistant from the Visiting Nurses Association. The Assistant Health Agent met Ms. Ballard and explained the circumstances of the clutter and the ability for her to use her dwelling safely. Ms. Ballard has a caseworker, Susan Hood from Cape Behavior Northeast Services, who has worked with the occupant for some time. An Elder Services mandated report was made so that additional help may be provided by Elder Services.

Mr. Harrington presented photographs of the dwelling to the Board of Health and Erika Woods in the capacity of the Cape Cod Hoarding Task Force. In one of the pictures there are several oxygen tanks. Mr. Harrington is recommending that the excess oxygen tanks be removed. Ms. Ballard does no cooking; she only uses the microwave. Ms. Ballard also has a nurse from the Visiting Nurses Association that cleans her unit for two hours a week. There is no odor in the unit even with the pet cat; therefore, there is no source of filth. The basement and second floor are clear. The main level is the only area with clutter.

Brian Baumgaertel made a motion that the Board of Health require removal of the excess oxygen tanks within 48 hours of notice and weekly visits by the Assistant Health Agent at Deer Crossing Unit U-137 until the October 20, 2016, Board of Health meeting, and then make a decision to condemn based upon the condition of the unit. Lucy Burton seconded the motion. The motion was unanimously approved.

ADDITIONAL TOPICS

1. Flu Clinic.

Glen Harrington is waiting to confirm with the Visiting Nurses Association the dates of October 28, 2016, and November 14, 2016, Flu Clinics which will be held at Christ the King Church Parish Hall. The first Flu Clinic is scheduled from 9 AM to 12 PM, and the second clinic will be held from 3 PM to 6 PM. Pneumonia vaccines will not be offered.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, October 6, 2016, at 7:00 PM. As there was no further business, Brian Baumgaertel made a motion to adjourn the Public Session Meeting of the Board of Health at 9:17 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments